

Cold Spring Zoning Update

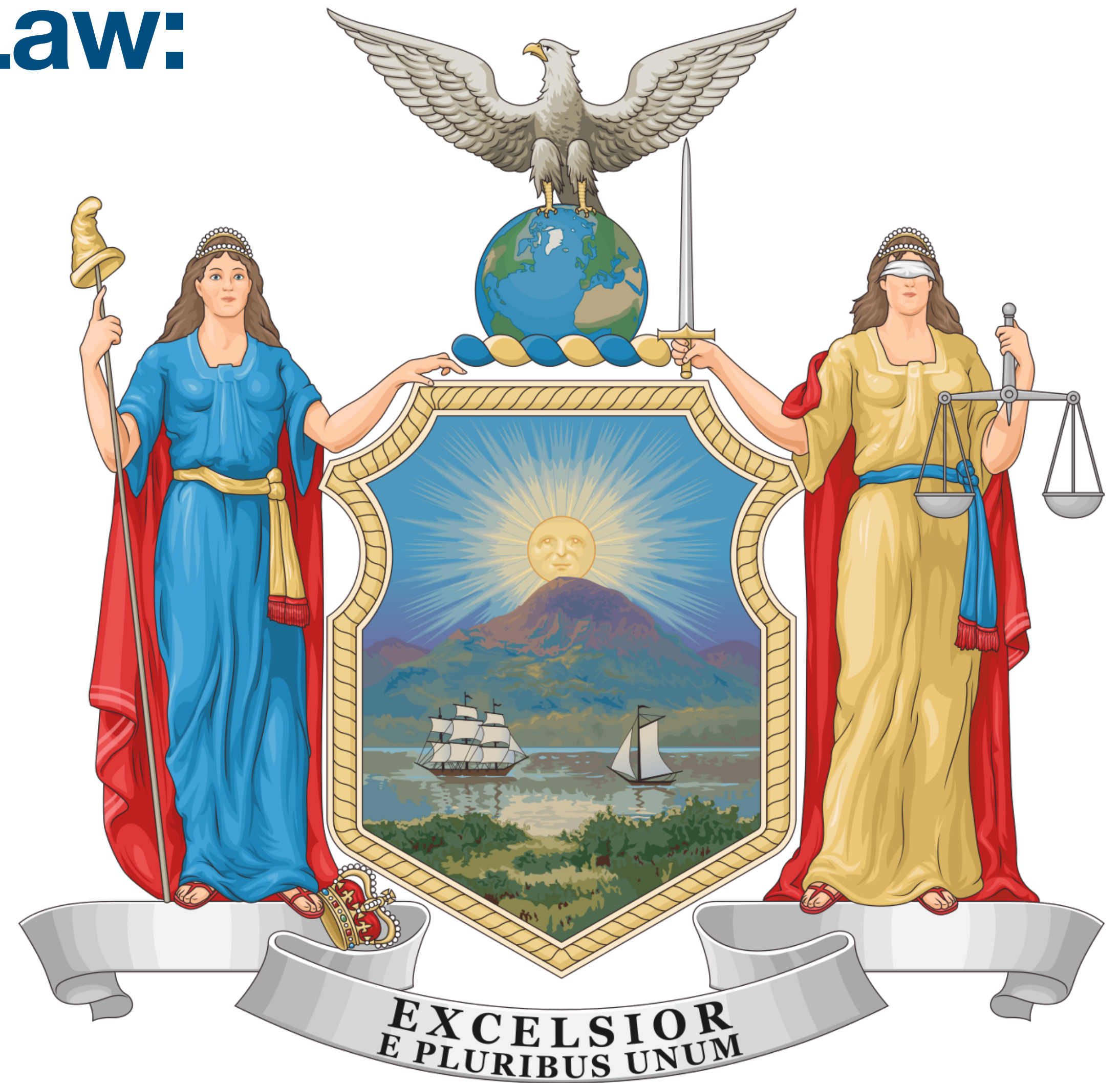
Village Comprehensive Plan/Local Waterfront Revitalization Strategy

January 25, 2023

Ted Fink, AICP

New York State Village Law:

- ▶ **“Among the most important powers and duties granted by the legislature to a village government is the authority and responsibility to undertake village comprehensive planning and to regulate land use for the purpose of protecting the public health, safety and general welfare of its citizens.” [NYS Village Law § 7-722.1(b)]**
- ▶ **“All village land use regulations must be in accordance with a comprehensive plan.” [NYS Village Law § 7-722.11(a)]**
- ▶ **Villages are authorized by state law to regulate land use by enacting zoning, which defines the uses to which property may be devoted, the siting of development on land, and the density of development on property**



Local Waterfront Revitalization:

- ▶ In 2009, Village embarked on preparation of a Local Waterfront Revitalization Strategy (LWRS), using funds awarded from the NY State Coastal Management Program
- ▶ A Special Board composed of Cold Spring citizens worked to develop both an LWRS and an updated Comprehensive Plan (prepared in 1987)
- ▶ The LWRS (adopted 2011) and Comprehensive Plan (adopted 2012) recommended changes to the Village's existing zoning law (adopted 1967) because: "It generally followed a suburban car-oriented model"
- ▶ The LWRS policies are consistent with Village Comprehensive Plan policies



**Cold Spring
Local Waterfront
Revitalization Strategy**

November 2011

The Village of Cold Spring received financial assistance for this work from the Hudson River Valley Greenway and from the New York State Department of State Division of Coastal Resources with funds provided under Title 11 of the Environmental Protection Fund.

Important Plan Policies Driving Zoning Update:

- ▶ ***“Preserve and enhance the small town, historic, neighborly, diverse and safe character of Village life” (Goal # 1)***
- ▶ ***“Review land use regulations set forth in the Village Code and modify as necessary to ensure clarity and internal consistency” (Policy 5.13.2)***
- ▶ ***“Explore the use of form-based zoning for new development and redevelopment” (Policy 7.1.3)***
- ▶ ***“Amend the Zoning Code to require appropriate scale, setbacks, streetscape and design features consistent with Village character” (Policy 7.2.6)***

Village of Cold Spring Comprehensive Plan

December 7, 2011 Adopted January 10, 2012



Special Board Members:
Michael J. Armstrong, Chair
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Marie Early, Secretary
Cathryn Fadde, Treasurer
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Village Board Members:
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Dated: December 7, 2011 Adopted January 10, 2012

WHAT IS CLEAR

From the LWRS & Comprehensive Plan Processes:

The historic Village could not be rebuilt as it is today under existing zoning



Main Street Early 1900's Before Zoning

Work Toward Code Updates

2012 to 2021:

- ▶ **Following LWRS and Plan adoption, the Village obtained another State grant to update Zoning and implement 2012 Plan recommendations**
- ▶ **An appointed Code Update Committee (CUC) worked to develop a series of amendments to the entire Village Code, including Zoning**
- ▶ **Most Code Updates proposed by CUC were adopted by November 2021**
- ▶ **Zoning still needed additional time to complete**



Ad Hoc Working Group on Zoning Update

Formed by Mayor in Spring 2022:

Members:

Trustee Laura Bozzi, former ZBA Member

Paul Henderson, former CUC Member

Ted Fink, AICP, Consulting Planner

Mayor Kathleen E. Foley

Donald MacDonald, former ZBA & CUC member

Jessie St. Charles, ZBA Member

Eric Wirth, ZBA Chair



Overall Goals of Ad Hoc Working Group

- ▶ **Review and develop recommendations on responsive, state-of-the-art planning techniques**
- ▶ **Correct mismatch between non-conforming lots and standards**
- ▶ **Introduce new user-friendly graphic standards**
- ▶ **Recognize that historic buildings may not meet existing or updated rules**



Why Change Zoning?

“Over 80 percent of everything ever built in America has been built since about 1950 and a lot of what we have built is just plain ugly. There are still many beautiful places in America, but to get to these places we must often drive through mile after mile of billboards, strip malls, junk yards, used car lots, fry pits and endless clutter that has been termed ‘the geography of nowhere.’ The problem is not development, per se; rather the problem is the patterns of development. Successful communities pay attention to where they put development, how it is arranged and what it looks like.”

Ed McMahon, Author
The Secrets of Successful Communities

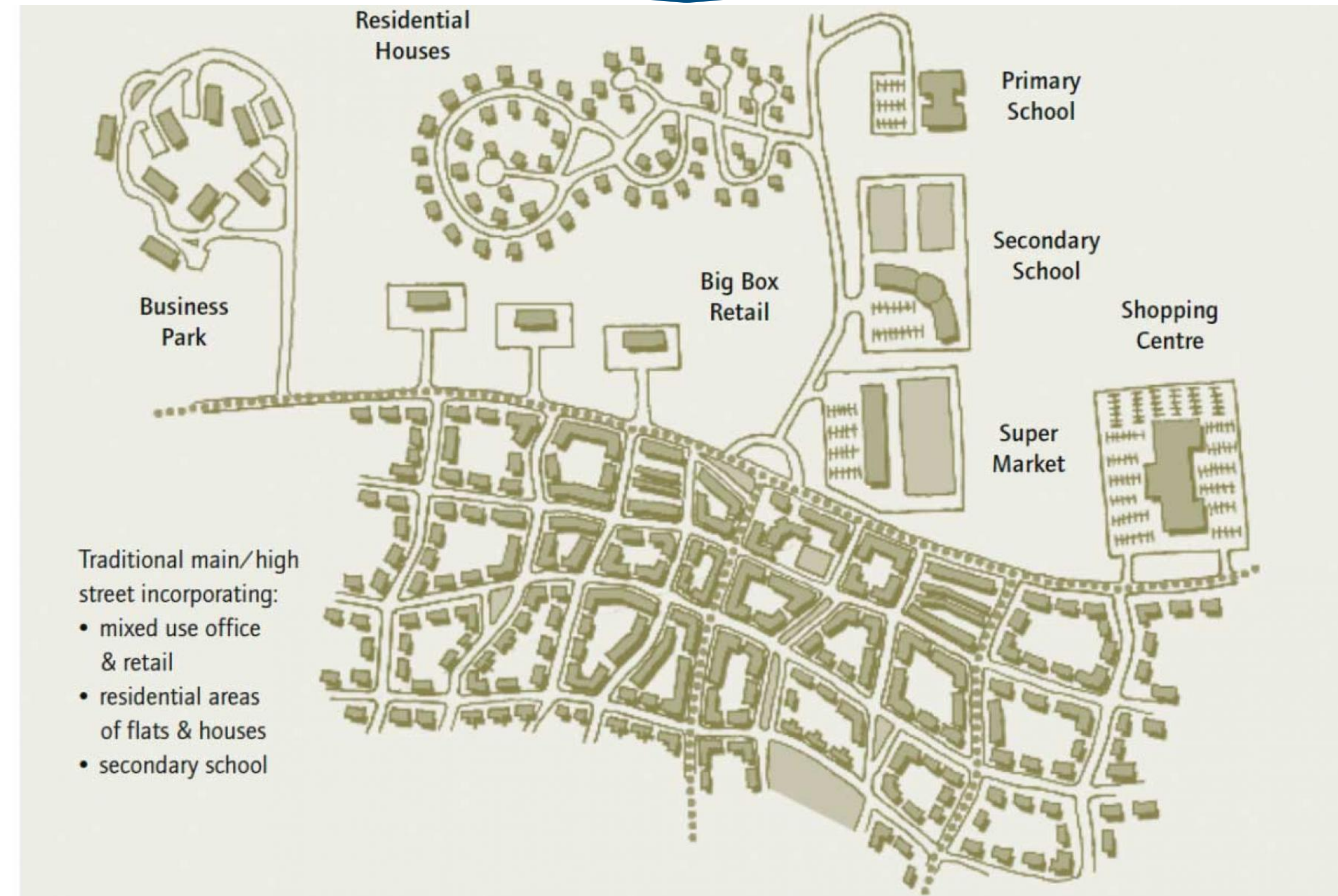


Ad Hoc Working Group Tasks

Forming recommendations to address what exists:

- 1. Introduce new user-friendly graphic standards to illustrate the community's vision so the character of different neighborhoods can be preserved and enhanced [Comprehensive Plan Policy 7.1.3]**
- 2. Address the potential for carefully planned re-development on the Marathon site (currently zoned industrial) so it is "well integrated in the fabric of the community" [Comprehensive Plan Goal 7.2]**
- 3. Properly protect Mayor's Park for recreational purposes [Comprehensive Plan Goal 7.9 and Policy 7.9.1]**

Conventional Suburban Zoning



Traditional Neighborhood Zoning

Task 1: Enhancing Residential Districts Code

Addressing Residential Zoning Obstacles Using Form-Based Code (FBC) Standards in a Hybrid Approach

Current zoning controls how much you can do while FBC standards address how you can do it

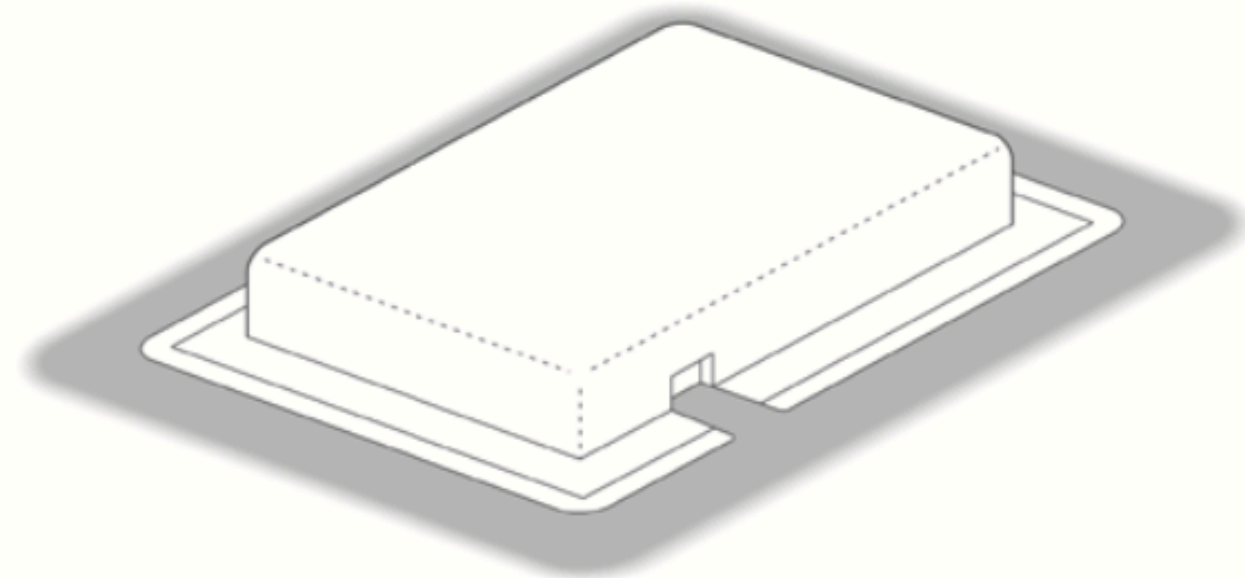
With FBC elements in the existing zoning, the rules will be expanded to describe how to keep changes within the well-established scale, context, and design traditions of the Village

A hybrid FBC is designed to enhance what is in place rather than continue excepting new designs and requiring variances

Beacon, Poughkeepsie, Warwick, Red Hook and other Hudson Valley communities have adopted hybrid FBC standards

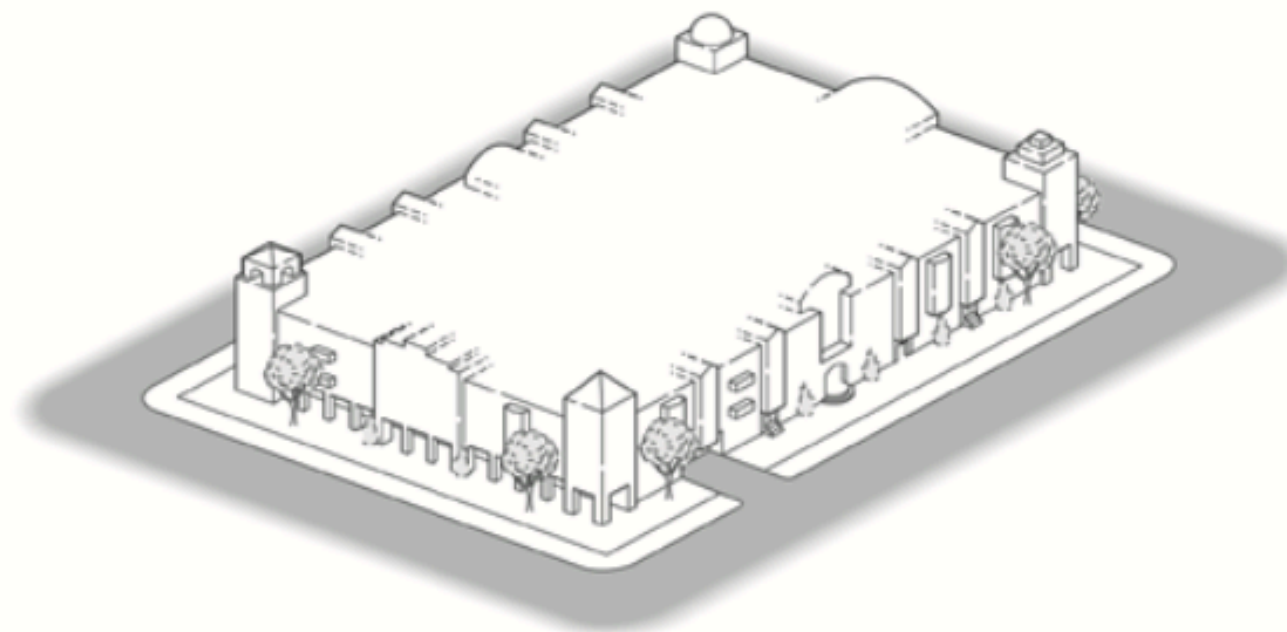
How zoning defines a one-block parcel

Density, use, FAR (floor-area-ratio), setbacks, parking requirements and maximum building height(s) specified.



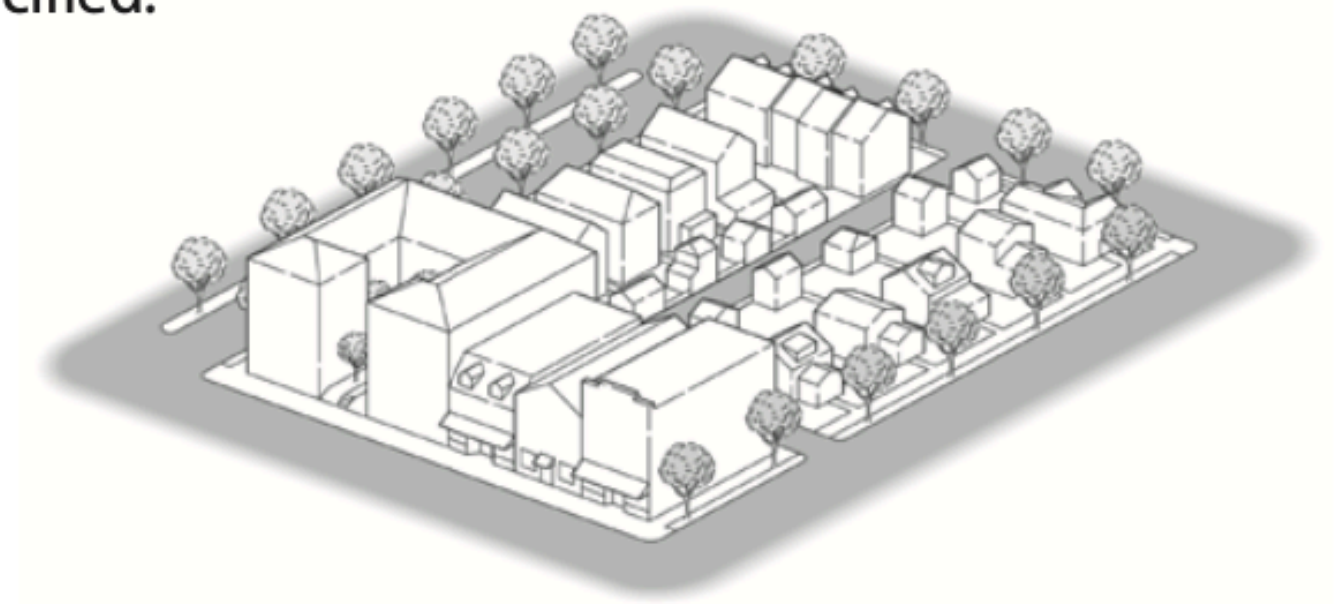
How design guidelines define a one-block parcel

Density, use, FAR (floor-area-ratio), setbacks, parking requirements, maximum building height(s), frequency of openings and surface articulation specified.



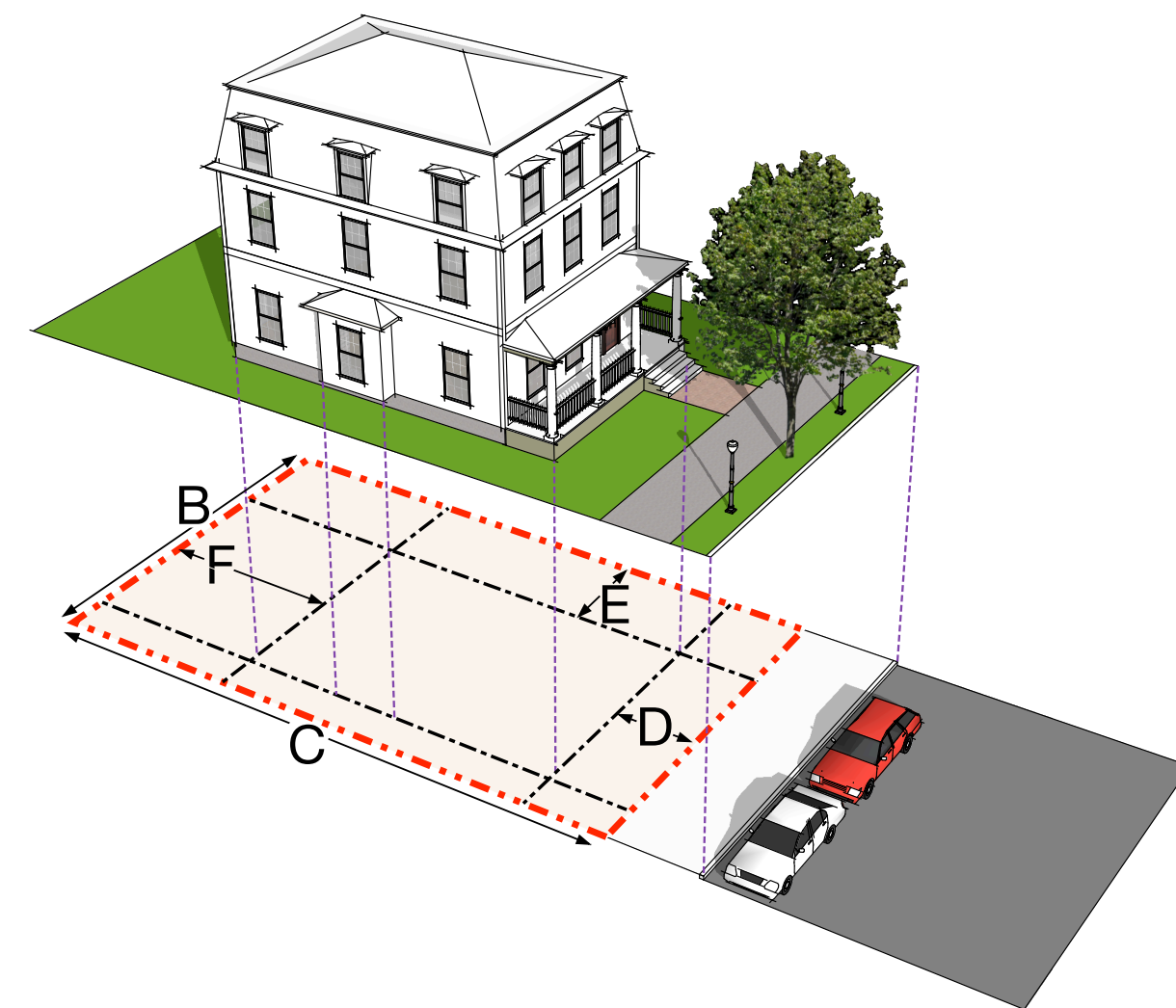
How form-based codes define a one-block parcel

Streets and building types (or mix of types), build-to lines, number of floors and percentage of built site frontage specified.



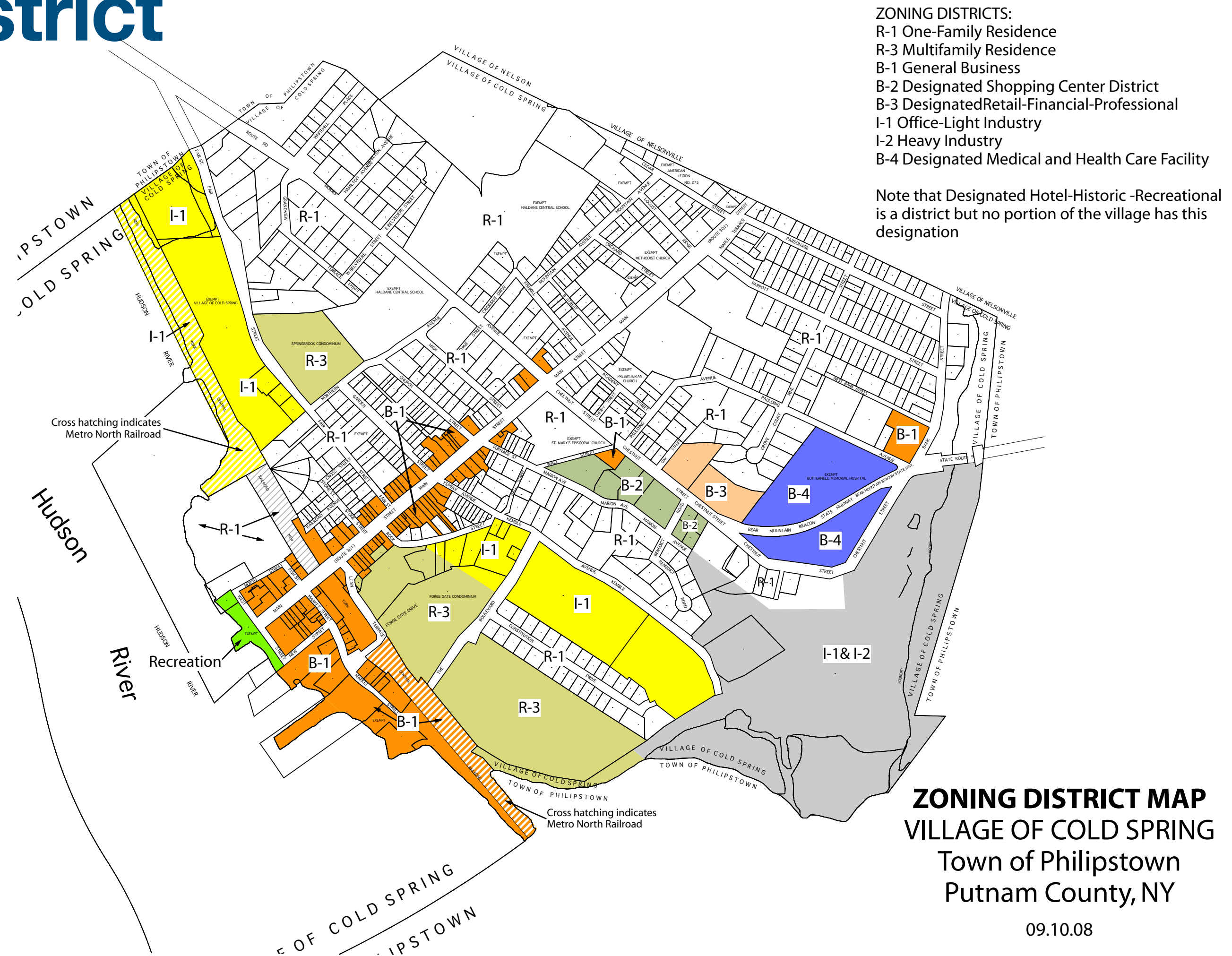
Task 1 Continued:

- ▶ Fix mismatch between older non-conforming residential lots (i.e. before Zoning) and the Zoning Law's dimensional standards to remove obstacles for homeowners
- ▶ Recognize historic buildings may not meet all existing or updated rules so include provisions to encourage and facilitate their preservation while avoiding new suburban style development



Task 2: Develop Process & Standards for Mixed Use District

► Address the potential for carefully planned re-development on the Marathon site (currently zoned industrial) so it is “well integrated in the fabric of the community” [Comprehensive Plan Goal 7.2]



Task 2 Continued:

Village Comprehensive Plan Policies for Marathon:

- ▶ *“Make appropriate access to and from the [Marathon and environs] area a prerequisite for any development there, ensuring that development does not create traffic problems that will unreasonably adversely affect current residents. [Plan Policy 7.2.2]*
- ▶ *“Consider rezoning the former Marathon site as mixed uses (such district to include residential, recreational, open space, work-live, small retail business and office uses) and require special use permits for any development on the Marathon site.” [Plan Policy 7.2.9]*
- ▶ *“Ensure the environmental integrity and safety of the former Marathon site by making certain that a thorough study and remediation of contaminants at the site are performed before development begins.” [Plan Policy 7.2.10]*
- ▶ *“For commercial development on the Marathon site, encourage businesses that would be tax positive and have low impact on the community in terms of traffic, noise, etc...” [Plan Policy 7.2.11]*



Task 2 Continued:

- ▶ **Develop a process to permit re-development on Marathon using two-step “safeguard” procedure**
- ▶ **Consider Village Board approval of a special use permit first and then Planning Board site plan approval to ensure Cold Spring can continue to be the place its residents want it to be [Comprehensive Plan Goal # 1]**

List of current permitted uses on Marathon

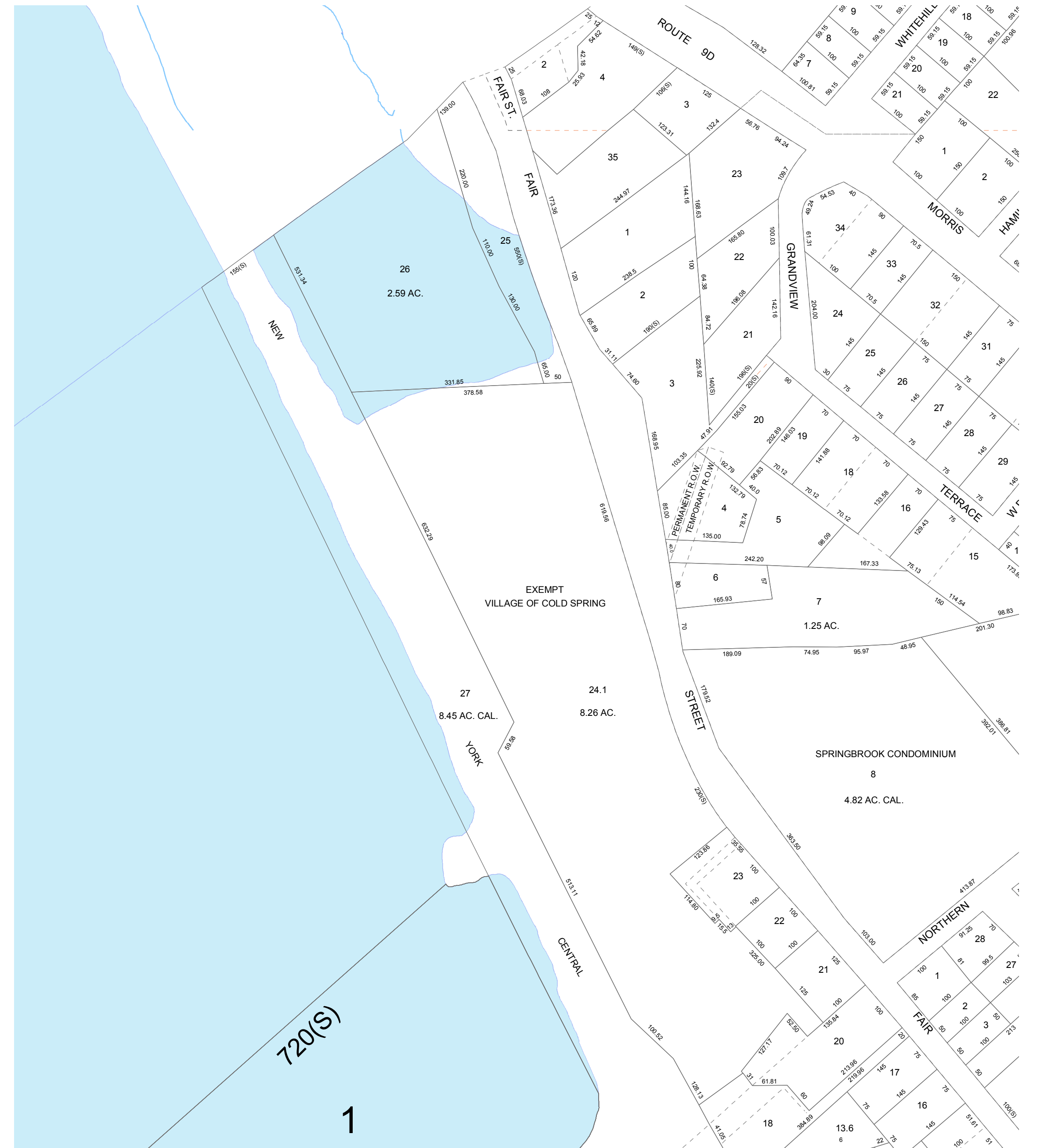
B. Permitted uses.

- (1) Any use permitted in R-1 One-Family Residence District.
- (2) Buildings, structures, municipal parking and uses owned by the Village of Cold Spring. [Amended 2-7-95 by L.L. 95-2]
- (3) Cemeteries and Mausoleums. [Amended 2-7-95 by L.L. 95-2]
- (4) One-story buildings for display and sale of agricultural and nursery products.
- (5) One (1) dwelling unit only, on any lot for the exclusive use of an attendant, watchman or caretaker employed in connection with any permitted use on said lot.
- (6) Office buildings for editorial, business and professional offices, and research, design including incidental clinics, cafeterias and recreational facilities for the exclusive use of company employees. [Amended 2-7-95 by L.L. 95-2]
- (7) Manufacturing, assembling, which operation, in the opinion of the Planning Board, will not create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard, noise or vibration, smoke, dust, odor or other form of
- (8) Lumber and building materials and equipment sales and storage, provided that any lot containing outdoor storage shall be surrounded by a fence or wall with a height of not less than six (6) feet. [Amended 2-7-95 by L.L. 95-2]
- (9) One (1) sign facing each street from which access to the lot is provided, announcing the name or insignia, or both, of the company or companies housed in the development on the lot. Such sign shall not exceed ten (10) square feet and shall be placed in such a manner as not to be detrimental to safety of traffic. If illuminated at night, such illumination shall be indirect, with all light sources shielded from the view of adjacent lots and streets. One (1) identification sign at each point of access to the lot, with an area of not more than three (3) square feet, and internal direction signs, each with an area of not more than two (2) square feet, shall also be permitted. [Amended 2-7-95 by L.L. 95-2]

Task 3

Ensure Proper Protection for Mayor's Park:

- ▶ Mayor's Park and the Highway Garage parcel, like Marathon, are currently zoned for industrial uses (I-1)
- ▶ Implement the LWRS and Village Comprehensive Plan policies
- ▶ *"Preserve Mayor's Park"* [Plan Goal 7.9]
- ▶ *"Rezone Mayor's Park to Recreation"* [Plan Policy 7.9.1]



Cold Spring Zoning Amendments Final Extension Work Plan

Tasks/Month	6/22	7/22	8/22	9/22	10/22	11/22	12/22	1/23	2/23	3/23	4/23	5/23	6/23
Zoning Committee Meetings	6/8 /22	7/13 7/27	8/10 8/24	9/14 9/29	10/123 10/27	11/10 11/22	12/8 12/22	1/5 1/19	2/2 2/16	3/2 3/16	4/13 4/27	5/11 5/25	6/1 6/15&6/29
Scope Outstanding Zoning Issues													
Prepare Quarterly Reports													
Collect/Analyze Data													
Prepare/Edit Final Zoning Drafts													
Prepare Draft Zoning Map													
Prepare Final Zoning Draft for Public Review									Task52				
Conduct/Document Public Meetings										Task5.1			
Conduct/Document SEQR for Zoning											Task53		
Prepare Final Zoning Edits - Responses									Task52				
Village Board Review													
Public Hearings and Adoption Completed											4/15		
Final PBMR & Reports/Documentation											Tasks13&54		
NYSERDA Review													